

output data signal to a decoder buffer at the second bit rate."

The Examiner finds that Kiriyama is prior art to the present invention based upon the Examiner's interpretation of an equation in Kiriyama, $ED + VD = THV$. Kiriyama does not disclose any relationship between B1 and B2. Kiriyama merely requires that the sum of the delay ED [encoder buffer delay], plus the delay VD [the additional video delay] equals a constant threshold value, THV.

Applicant respectfully submits that the Examiner's assertion on page 3, lines 1-2 of the most recent Office Action of November 1, 2000, that the additional video delay, element VD of the equation, "only accounts for elements in codec chain between the encoder and the decoding buffer input is incorrect." Applicant respectfully submits that the decoder buffer output rate determines, along with the decoder buffer input rate, the delay VD, an element of the equation the Examiner bases his rejection upon.

Applicant respectfully submits that the Examiner's statement, on page 2, line 16-17, of the most recent Office Action of November 1, 2000, that "the delay is based on a 'sum delay of the delay in the buffer memory 39 of Fig. 5 plus additional video delay becomes equal to a predetermined video delay threshold value THV'", is an inaccurate quotation. In fact, Applicant respectfully submits that the delay is based on "a sum delay of the delay in the buffer memory 39 of Fig. 5 plus the additional video delay", as

stated in column 10, lines 16-22, a small semantic difference with substantial import. It is this summation of the two defined delays, ED + VD, which "becomes equal to a predetermined video delay threshold value THV", as stated in column 10, lines 18-19, which is the basis for the rejection. And it is in defining the second condition, "the additional video delay" (VD), that the Examiner and the Applicant disagree.

The Applicant respectfully submits that the second condition, VD, is defined in column 9, lines 59-62, as follows:

"From the video buffer memory 71, the read video data are read with an additional video delay relative to production of the separated video data from the video processor 65"

These lines state that the additional video delay (VD) is applied reading from the video buffer memory, not writing into this memory. Accordingly it can not be the case that the additional video delay only accounts for elements in the codec chain between the encoder and the decoder buffer input, as the Examiner asserts. In Kiriyama, it is the decoder buffer output rate which is relevant as it determines, along with the decoder buffer input rate, the delay VD. This is not the case in the present invention, wherein B1 and B2 are calculated in order to "transmit the output data signal to a decoder buffer at the second bit rate."

Additionally, in Kiriyama, the encoder buffer 39 is described at column 6, lines 35-36 as "[r]esponsive to the video read control signal", which is "produced by [the] buffer read controller 47" and is a function of "the buffer occupancy signal" and also the "cell or clock control signal CLCNT", column 6, lines 47-49. As the buffer is responsive to the video read control signal, the buffer read out rate must also be a function of the buffer occupancy signal and the CLCNT signal. There is no mention of the encoder buffer 39 readout rate having an inverse relationship with the very same encoder's buffer 39 read-in rate. Rather, the relationship in Kiriyama is between the input of encoder buffer 39 and the output of video buffer memory 71. In summary, the recitation in independent claim 1, and similar recitations in independent claims 5 and 12 of deriving "a second bit rate as a percentage of the first bit rate, which percentage changes inversely in relation to changes in the first bit rate in order to transmit the output data signal to a decoder buffer at the second bit rate" is nowhere taught or suggested in Kiriyama. Therefore, Applicant respectfully submits that Kiriyama is not prior art to the present invention.

Accordingly, for the reasons stated above, Applicant respectfully submits that independent claims 1, 5, and 12, and dependent claims 2-4, 6-11, and 14 are allowable over the references of record. Entry of this Amendment,

reconsideration of the rejections and allowance of all the claims is respectfully requested.

Respectfully submitted,

By Cherie S. Werbel
Cherie S. Werbel, Reg. 40,870
Attorney
(914) 333-9605

CERTIFICATE OF MAILING

It is hereby certified that
this correspondence is being deposited
with the United States Postal Service
as first-class mail in an envelope
addressed to:
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

On Jan. 31 2001
By Patricia Michelle